

CITY OF NEWPORT DOCKET OF THE COUNCIL MEETING AUGUST 8, 2012

The following items of business, filed with the City Clerk under the Rules of the Council, will come before the Council at its regular meeting to be held on August 8, 2012, at 6:30 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

CITIZEN'S FORUM: (Speakers must sign in with the City Clerk). The Citizen's Forum period shall be no longer than fifteen minutes and citizens may address the Council on **one subject only and for no longer than three minutes**. Issues to be discussed shall not include matters to be considered or discussed as part of the regular council agenda and must be related to substantive city business. No comments regarding personnel or job performance are allowed.

1. Communication from Stephen C. Waluk, re: resignation from the City Council, effective July 25, 2012.
2. Appointment of Stephen R. Coyne to the position of Councilor-at-Large to fill the vacancy resulting from the resignation of Stephen C. Waluk.
3. **CONSENT CALENDAR.** (THE CONSENT CALENDAR IS APPROVED IN ITS ENTIRETY UNLESS THE COUNCIL REMOVES AN ITEM FOR DISCUSSION. ALL LICENSES ARE GRANTED SUBJECT TO COMPLIANCE WITH ORDINANCES #31-80 AND #98-40.)
 - a. Special Event Licenses:
 - 1) Sail Newport, d/b/a USODA Optimist New England Championship; mule barn and tent at Fort Adams, August 8 and 9, 2012, from 4:00 p.m. to 7:00 p.m.

It is the practice of the Council to meet at 6:20 p.m. in the second-floor Conference Room to discuss docket items. The public is invited to attend. The docket, along with all supporting documents, can be viewed on the City of Newport website: www.cityofnewport.com – “Current Newport City News & Announcements” – Click on “MORE NEWS.” Council Meetings can be viewed on Cox Cable, Channel 18; check local listings for dates and times. A DVD of the Council Meeting will be available at the Newport Public Library within 48 hours of the meeting.

LIVE VIDEO CONFERENCING OF COUNCIL MEETINGS AND WORKSHOPS WILL BE AVAILABLE AT THE NEWPORT POLICE STATION, WHICH IS ACCESSIBLE AND MEETS ADA REQUIREMENTS, **BASED UPON NOTIFICATION TO THE CITY MANAGER'S OFFICE (845-5429) A MINIMUM OF 48 HOURS IN ADVANCE OF THE MEETING.** INDIVIDUALS REQUIRING INTERPRETER OR OTHER ACCOMMODATIONS MUST NOTIFY THE CITY MANAGER'S OFFICE TWO WEEKS IN ADVANCE OF THE MEETING.

- 2) Jeanne Drapeau and Anita Trezvant, d/b/a Artisans by the Bay; Elks Lodge, 141 Pelham St., August 11, 2012, from 10:00 a.m. to 6:00 p.m.
 - 3) Newport Art Museum, d/b/a Wet Paint; August 18, 2012, from 5:00 p.m. to 8:00 p.m., and August 19, 2012, from 12 Noon to 5:00 p.m.
 - 4) Bucket Regattas, LLC, d/b/a Newport Bucket Regatta Awards Ceremony; Salve Regina University, Ochre Court, August 26, 2012, from 6:00 p.m. to 8:00 p.m.
 - 5) Newport Restoration Foundation, d/b/a Doris Duke Historic Preservation Awards/Reception; Rough Point, 680 Bellevue Ave., Sept. 7, 2012, from 6:00 p.m. to 8:30 p.m.
 - 6) RI Turnpike & Bridge Authority/Gray Matter Marketing, d/b/a Pell Bridge Run; Nov. 11, 2012, from 6:40 a.m. to 8:00 a.m. (from Pell Bridge Downtown Off-ramp, Farewell St. to America's Cup Ave., ending at the Humphrey J. Donnelly III Transportation & Visitors Center.
- b. Drain Layer License, Renewal, Mello Construction Co., Inc., d/b/a Mello Construction, 87 Beacon St., Middletown, RI
- c. Waste Haul License Applications:
- 1) ABC Disposal Service, Inc., 1245 Shawmut Ave., New Bedford, MA
 - 2) Allied Waste Services, 1080 Airport Rd., Fall River, MA
 - 3) Cleanway Disposal & Recycling, Inc., 190 State Rd., Westport, MA
 - 4) Diamond Disposal, 205 Anguilla Rd., Pawcatuck, CT
 - 5) Island Rubbish Service, 8 Swinburne St., Jamestown, RI
 - 6) MTG Disposal, 19 Industrial Way, Seekonk, MA
 - 7) Pasquazzi Bros., Inc., 464 Dyer Ave., Cranston, RI
 - 8) Patriot Disposal Co., Inc., 2208 Plainfield Pike, Johnston, RI
 - 9) PF Trading, 104 Braley Rd., East Freetown, MA
 - 10) Roll-A-Way Disposal, 86 Knight St., Warwick, RI
 - 11) RPKK Waste Services, PO Box 126, West River Junction, RI
 - 12) TLA Pond view, 1 Dexter Rd., East Providence, RI
 - 13) Waste Haulers, LLC, 1 Sterline Way, Cranston, RI

- d. Communication from Community Baptist Church asking permission to close off a section of Dr. Marcus Wheatland Blvd. and Burnside Ave. up to Bosworth Ct., on August 25, 2012, from 12 Noon to 4:00 p.m., for their annual cookout and barbecue. (Approve subject to details being worked out with the city administration.)
- e. Communication from Deborah Johnston, Exec. Director, McKinney Shelter/50 Washington Square (Receive)
- f. Communication from the Planning Board, re: Proposed Wind Ordinance Zoning Amendment. (Receive and order advertised for hearing on August 22, 2012)
- g. CRMC Notice of Public Hearing Continuation, File No. 2010-05-070, Application of the City of Newport for a “touch and go” boating facility (393 linear feet of concrete floating docks and associated pilings) — Subcommittee Hearing to be held on August 22, 2012, at 10:00 a.m. in the Council Chambers, Middletown Town Hall, 350 East Main Rd. (Receive)

LICENSES & PERMITS

- 4. Application for a Sound Variance, Sandra Sobey, 145 Wellington Ave., on August 18, 2012, from 6:00 p.m. to 10:00 p.m. (Hearing)
- 5. Application for a Special Event License, Newport Brokerage Boatshow, LLC, d/b/a Newport Brokerage Boatshow; Newport Shipyard, Sept. 13 to 15, 2012, from 10:00 a.m. to 6:00 p.m.; Sept. 16, 2012, from 10:00 a.m. to 5:00 p.m. (Continued from July 25, 2012)
- 6. Application for a Victualing License, Jamie Aguiar, d/b/a Shape Up Newport, 6 Broadway (new owner)

COMMUNICATIONS & PETITIONS

- Council Liaison Updates
- City Manager Update – Newport Harbor Center (Armory)

7. APPOINTMENTS TO BOARDS & COMMISSIONS

- Reappointment of Ann Carver to the Trust & Investment Commission

- Aquidneck Island Re-use Implement Authority (AIRIA): William Corcoran, Councilor Naomi Neville; Alternate: City Manager Jane Howington
- “A Sustainable Rhode Island” Program Representatives: Jeanne Tracey-McAreavey; 1st Alternate, Councilor Justin McLaughlin; 2nd Alternate, Public Services Director William Riccio
- Washington Square Advisory Commission:

Newport City Council: Naomi Neville and Jeanne-Marie Napolitano

Newport Tree & Open Space Commission: Susan Ruf, or designee

The Newport Historical Society: Bert Lippincott

The Newport Restoration Foundation: Pieter Roos

The Newport Tree Society: Lilly Dick

Washington Square Roots Initiative: Liz Drayton, or designee

Newport Businesses (Washington Square): Kathy Staab, David Leys, John Grosvenor

Newport Residents: Tanya Kelley and Ross Cann

Note: Vacancies currently or soon will, exist on the following boards and commissions: Affirmative Action Commission, Building Code Board of Appeals, Historic District Commission, Newport Juvenile Hearing Board, North End Planning Commission, Personnel Appeals Board, Board of Tax Appeal, and the Zoning Board of Review. Interested residents can obtain applications on the City’s web page or by contacting the Mayor’s Office.

RESOLUTIONS

8. Designating Henry F. Winthrop as the Chief Executive Officer of the City of Newport for the purpose of signing various State and Federal documents requiring such designation.

ORDINANCES

9. Amending Chapter 15.0 4 of the Codified Ordinances, entitled, “Construction Regulations Generally,” Section 15.04.020, Late Filing Fee, to increase the minimum late filing fee to \$500.00, making it consistent with Chapter 2.120. (First Reading)

RECESS AS COUNCIL AND CONVENE AS BOARD OF LICENSE
COMMISSIONERS

BOARD OF LICENSE COMMISSIONERS

CONSENT CALENDAR

1. Application for a Class F Daily Liquor License, Newport Art Museum, d/b/a Wet Paint 2012; August 18, 2012, from 5:00 p.m. to 8:00 p.m., and August 19, 2012, from 12 Noon to 5:00 p.m.
2. Communication from Thomas O'Malley, Financial Secretary, The Columbus Club of Newport, Inc., relinquishing the Club's Class D alcoholic beverage license. (Received)

ADJOURN AS BOARD OF LICENSE COMMISSIONERS AND RECONVENE AS COUNCIL AND, BASED UPON AN AFFIRMATIVE VOTE OF THE MEMBERS PRESENT, AND PURSUANT TO RI GENERAL LAWS SECTION 42-46-1, AS AMENDED, AND IN ACCORDANCE WITH SECTION 42-46-5, PURPOSES FOR WHICH MEETINGS MAY BE CLOSED, *“(a) (2) Sessions pertaining to collective bargaining or litigation, ...”* MOVE TO EXECUTIVE SESSION IN THE CONFERENCE ROOM TO DISCUSS ISSUES RELATED TO COLLECTIVE BARGAINING NEGOTIATIONS - NEWPORT MUNICIPAL EMPLOYEES ASSOCIATION, NATIONAL EDUCATION ASSOCIATION OF RHODE ISLAND (NEARI/NEA), LOCAL 840.

Kathleen M. Silvia
City Clerk

August 1, 2012

Quick References:

d/b/a = “doing business as” (fictitious name)

LLC = Limited Liability Corporation

Liquor Licenses issued locally (Full definitions provided in the RI General Laws, Chapter 3-7)

Class F – Daily liquor license, holder is limited to sale of beer and wine; issued only to religious organizations, state non-business corporations and political organizations.

Class F-1 Daily liquor License, holder may sell all alcoholic beverages; issued only to religious organizations, state non-business corporations and political organizations.

Class A – package store

Class BH – Allows for mini bars in hotel and guest house rooms; allows for the sale and service of bottles of alcohol to registered guests in their hotel/guest house rooms.

Class BL – allows sale of only beer and wine in restaurants (“victualing houses”)

Class BT – allows for sale of all alcoholic beverages in hotels (defined in State Law as “tavern keeper” and must provide overnight accommodations).

Class BV -- allows sale of all alcoholic beverages in restaurants (“victualing houses”)

Class C – Saloon License; in Newport the one Class C License has basically the properties of Class BV; however, it must close at Midnight.

Class D – Private Club; alcoholic beverages may be consumed only by members and their guests.

Class J – Convention Hall License; holder may sell all alcoholic beverages; licensee must be able to accommodate five hundred or more persons at tables at one time.

Class K—Ancient Tavern License – issued to the owner of any building which has had a public and continuous use and license as a tavern for 10 years or more prior to 1730; basically has the same privileges of a Class BV restaurant.

Class T—Legitimate Theater

State-issued Liquor Licenses (with uses in Newport)

Class G -- for passenger-carrying marine vessels and trains; sale of alcoholic beverages on marine vessels while at dock for one-half hour before scheduled departure time, up to departure, must be approved by Council.

Class P – authorizes caterers, who must be licensed by the RI Health Dept., to furnish and sell alcoholic beverages at events to which they are catering food. Caterer must purchase the alcohol at a Class A package store.